



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

MICHELLE. N. MCJUNKIN,
Plaintiff,

vs.

CITY OF TRAVELERS REST,
SOUTH CAROLINA, TIM D. CHRISTY,
and DIANNA GRACELY,
Defendants.

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CIVIL ACTION NO. 6:06-0634-HFF-WMC

ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

This is a job discrimination action. The Court has jurisdiction over the matter pursuant to 28 U.S.C. § 1331 and other applicable statutes. The matter is presently before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' Motions for Summary Judgment be granted and Plaintiff's Motion for Summary Judgment be denied. The Report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 11, 2007. Neither party filed any objections. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' Motions for Summary Judgment be **GRANTED** and Plaintiff's Motion for Summary Judgment be **DENIED**. All other pending nondispositive motions are, thus, **MOOT**.

IT IS SO ORDERED.

Signed this 31st day of July, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE